

HENRY A. WAXMAN, CALIFORNIA
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
EDOLPHUS TOWNS, NEW YORK
FRANK PALLONE, JR., NEW JERSEY
BART GORDON, TENNESSEE
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
ALBERT R. WYNN, MARYLAND
GENE GREEN, TEXAS
DIANA DEGETTE, COLORADO
VICE CHAIRMAN
LOIS CAPPS, CALIFORNIA
MIKE DOYLE, PENNSYLVANIA
JANE HARMAN, CALIFORNIA
TOM ALLEN, MAINE
JAN SCHAKOWSKY, ILLINOIS
HILDA L. SOLIS, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS
JAY INSLEE, WASHINGTON
TAMMY BALDWIN, WISCONSIN
MIKE ROSS, ARKANSAS
DARLENE HOOLEY, OREGON
ANTHONY D. WEINER, NEW YORK
JIM MATHESON, UTAH
G.K. BUTTERFIELD, NORTH CAROLINA
CHARLIE MELANCON, LOUISIANA
JOHN BARROW, GEORGIA
BARON P. HILL, INDIANA

DENNIS B. FITZGIBBONS, CHIEF OF STAFF
GREGG A. ROTHCHILD, CHIEF COUNSEL

ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

JOHN D. DINGELL, MICHIGAN
CHAIRMAN

JOE BARTON, TEXAS
RANKING MEMBER
RALPH M. HALL, TEXAS
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
NATHAN DEAL, GEORGIA
ED WHITFIELD, KENTUCKY
BARBARA CUBIN, WYOMING
JOHN SHIMKUS, ILLINOIS
HEATHER WILSON, NEW MEXICO
JOHN B. SHADEGG, ARIZONA
CHARLES W. "CHIP" PICKERING, MISSISSIPPI
VITO FOSSELLA, NEW YORK
ROY BLUNT, MISSOURI
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO MACK, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
MIKE FERGUSON, NEW JERSEY
MIKE ROGERS, MICHIGAN
SUE MYRICK, NORTH CAROLINA
JOHN SULLIVAN, OKLAHOMA
TIM MURPHY, PENNSYLVANIA
MICHAEL C. BURGESS, TEXAS
MARSHA BLACKBURN, TENNESSEE

April 3, 2008

The Honorable Daniel R. Levinson
Inspector General
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Levinson:

We are writing to request that the Office of Inspector General, Department of Health and Human Services (OIG) investigate issues raised by the February 2008 theft of a National Institutes of Health (NIH) laptop computer carrying sensitive medical information on about 2,500 patients in a NIH study. According to the Washington Post, the theft potentially exposes seven years' worth of data, including names, medical diagnoses and details of the patients' heart scans. The information was not encrypted, in violation of federal data security policy. The Washington Post also reported that the NIH made no public comment about the theft and did not send letters notifying the affected patients until March 20 -- almost a month after the theft occurred.

In the interest of full disclosure, one of us (Mr. Barton) was one of the 2,500 patients in the study whose personal medical information was potentially exposed, and received official notification last Friday, March 28, from the NIH as one of the subjects affected by the security breach.

The NIH conducts vital biomedical research that depends on recruitment of volunteers who place trust in the NIH to protect the privacy of personal information. We understand that the NIH is currently recruiting volunteers for more than 5,000 studies. In the interest of protecting the NIH's ability to recruit future participants for clinical trials, we believe there should be an examination -- independent of any NIH internal review -- of the circumstances surrounding the February 2008 theft, why the information was not encrypted, and why the NIH delayed disclosure for almost a month. We also request that

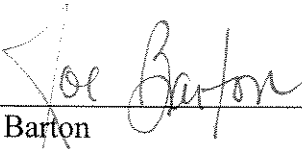
The Honorable Daniel R. Levinson

Page 2

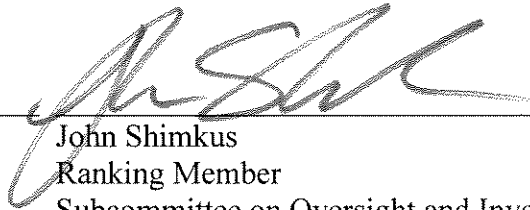
the OIG identify the different ways that private health data entrusted to the NIH could be inadvertently compromised, and whether there have been other incidents where the NIH did not adequately protect private health information. Finally, based on the OIG findings, we request that the OIG issue recommendations on how the NIH can improve procedures for preventing disclosure and notifying patients when their privacy is breached.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact Alan Slobodin of the Republican Committee Staff at (202) 225-3641.

Sincerely,



Joe Barton
Ranking Member



John Shimkus
Ranking Member
Subcommittee on Oversight and Investigations

cc: The Honorable John D. Dingell, Chairman
The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations
The Honorable Michael Leavitt, Secretary
Department of Health and Human Services
The Honorable Elias Zerhouni, M.D.
Director, National Institutes of Health